

## REMARKS

### I. Remarks and Amendments

Claims 1-16 are currently pending. Claims 1-7 and 9-10 are under examination and remain variously rejected under 35 U.S.C. §112, first paragraph, for lack of enablement; §112, second paragraph; and §102(b) over either Orlic et al. (*P.N.A.S.* 98:10344-10349, 2001; hereinafter “Orlic”) and Anversa (Pre-grant Patent Publication No. US 2002/0061587 A1 [05/2002]; hereinafter “Anversa”). New claims 11-16 were added in the amendment filed May 20, 2005, which was not yet entered.

Claims 9 and 10 are amended herein. Support for the amendments to claims 9 and 10 is found throughout the specification, including at page 1, lines 12-16; page 2, lines 25-29; and page 9, lines 4-11. Accordingly, the amendments do not include new matter. The Applicants do not intend with these or any other amendments to abandon the subject matter of claims previously presented, and reserve the right to pursue such subject matter in duly filed continuing patent applications.

In response to the Examiner’s comments in the Advisory Action, mailed July 15, 2005, Applicants reiterate their position that both Orlic and Anversa did not teach the instant invention as claimed. Both Orlic and Anversa administered their compositions comprising G-CSF prophylactically, prior to occurrence of a myocardial infarction, and then again after occurrence of a myocardial infarction. Thus, Orlic and Anversa teach an additional step in their method for treating acute myocardial infarction. Having distinguished the presently-claimed subject matter in the context of steps of treatment, through the use of the term “consisting of,” no need exists to further limit the claimed subject matter to use of compositions having no other component than G-CSF. Accordingly, the instant claims, as amended, do not read on the prior art. (*See* additional argument provided in amendment filed on May 20, 2005.) Applicants respectfully request entry of the present amendment along with the entry and reconsideration of the amendment filed on May 20, 2005.

**II. Conclusion**

For the reasons set out in herein and in the amendment filed on May 20, 2005, each of claims 1-7 and 9-16 is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Respectfully submitted,

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